



**AN ORDINANCE AMENDING
CHAPTER 99 TITLED TOWN PARK REGULATIONS
OF THE CODE OF ORDINANCES**

BE IT ORDAINED by the Town Council of Sunset Beach that Chapter 99 titled Town Park Regulations of the Code of Ordinances is hereby repealed and replaced as follows:

REPEALED

~~ARTICLE I. — IN GENERAL~~

~~§ 99.01 — DEFINITIONS.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~ALCOHOLIC BEVERAGE. Intoxicating beverage, malt beverage, wine or any other beverage containing any alcohol whatsoever.~~

~~LITTER. Garbage, refuse, paper, rubbish, debris, trash and all other waste material whether natural or artificial.~~

~~PARK. All recreation areas in the park, including land, buildings and all other property and buildings owned and managed by the town.~~

~~VEHICLE. Any motor-driven or engine-driven equipment, such as an automobile, truck, motorcycle, bicycle, golf cart, go-cart, scooter, skateboard, rollerblade, ATV, child's toy vehicle, hover boards or Segway.~~

~~WEAPON. Firearm, rifle, pistol, revolver, paintball gun, or any weapon designed or intended to propel a shot, bullet, or other missile of any kind, or any device capable of discharging a projectile by air, spirit, gas or explosive, or any explosive substance or harmful solid, liquid and gaseous substance, or any spear, arrow, bow and arrow, slingshot, crossbow, spear or spear gun, or any knife as defined by State law dirk, Bowie knife, switchblade knife, ballistic knife, or any other knife, straight-edged razor, spring stick, metal knuckles, blackjack, any bat, club or other bludgeon-type weapon, or any flailing instrument or any disk which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun, Taser or similar device.~~

~~§ 99.02— ENFORCEMENT OF CHAPTER.~~

~~This chapter shall be enforced by any authorized law enforcement officer of the town. Where there has been a violation of any provisions of this chapter, the law enforcement officer in his/her discretion may issue a citation, warning and/or order the person to leave the park.~~

~~§ 99.03— PENALTIES FOR VIOLATION OF CHAPTER.~~

~~(a) Violation of this section shall not constitute an infraction or misdemeanor under NCGS 14-4, but shall subject the violator to a civil penalty to be recovered by the Town in a civil action in the nature of debt if said civil penalty is not paid within 72 hours after being cited for the violation. Unless otherwise specified in the Code of Ordinances, the civil penalty shall be fifty dollars (\$50) for each separate or distinct offense.~~

~~(b) The Town reserves the right to deny a special event permit or prohibit park use to any person convicted of an article violation.~~

~~§ 99.04— RESERVED.~~

~~ARTICLE II. USE OF RECREATION FACILITIES~~

~~§ 99.05— LITTERING PROHIBITED.~~

~~It shall be unlawful f to throw or deposit litter on the grounds, parking lot, pathways in the park, except within public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and shall be properly disposed of elsewhere. It shall be unlawful to take into, carry through, or put into the park receptacles, any litter generated outside the park.~~

~~§ 99.06— DISCHARGING WEAPONS PROHIBITED.~~

~~It shall be unlawful to discharge any weapon or similar device in the park. This section shall not apply to Public Safety Personnel acting within the scope of their employment; nor shall this section apply to weapons used solely for officially sanctioned ceremonial purposes.~~

~~§ 99.07— GLASS BOTTLES AND CONTAINERS PROHIBITED.~~

~~It shall be unlawful to possess or use glass bottles and containers in the park.~~

~~§ 99.08— IMPROPER USE OF SOUND PRODUCING DEVICES.~~

~~It shall be unlawful to operate or use any sound producing or motorized equipment, including but not limited to generators and vehicles, or play or operate any sound amplification devices, including but not limited to radios, television sets, stereos, musical instruments, public address systems and the like, in such a manner as to unreasonably annoy, disturb, injure, or endanger other persons, or to otherwise destroy the comfort, repose, peace or safety of other persons in the park or violate Chapter 94: Noise Ordinance.~~

~~§ 99.09— IMPROPER PERSONAL CONDUCT.~~

~~It shall unlawful to engage in any violent, abusive, lewd, profane, vulgar, wanton, obscene or otherwise disorderly speech or conduct that is or may be disturbing or annoying to other persons, or that could cause injury to other persons while in the park, which conduct may include, but is not limited to, loitering, fighting, throwing or breaking articles, indecent exposure, inappropriate sexual acts, urinating or defecating in public, or public drunkenness. No person shall by act or speech willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity or unreasonably or willfully intrude on any areas or into the structures designated for the use of a certain person or persons to the exclusion of others by a special event permit.~~

~~§ 99.10 – FIRES OR OPEN FLAMES PROHIBITED.~~

~~It shall be unlawful to build or maintain a fire or open flame in the park.~~

~~§ 99.11 – DAMAGING OR REMOVAL OF ANY PARK PROPERTY OR VEGETATION PROHIBITED.~~

~~It shall be unlawful to deface, graffiti, harm or damage any park buildings, wildlife, property, equipment or signs; or dig up, cut, damage or remove any trees, tree limbs, shrubbery, flowers, rocks, mulch, water, historical artifacts or other vegetation in a park or recreation facility. This section shall not apply to the town's activities required to maintain public safety and the health of the vegetation.~~

~~§ 99.12 – POSSESSION, USE OR CONSUMPTION OF ALCOHOLIC BEVERAGES.~~

~~It shall be unlawful to possess, use, or consume any alcoholic beverage in the park without a special event permit.~~

~~§ 99.13 – VEHICLES RESTRICTED.~~

~~It shall be unlawful to drive any unauthorized vehicle in the park except upon designated parking areas maintained for vehicular traffic. Approved personal mobility devices for those persons with disabilities are allowed on pedestrian pathways. Public safety officials and public works employees whose duties require them to drive maintenance vehicles and equipment shall be exempt from the limitations set forth in this section. All persons operating any vehicle in the park must operate such vehicle in a safe manner. It shall be a violation of this article to operate any vehicle in the park at an excessive speed, in a reckless and unsafe manner.~~

~~§ 99.14 – PARKING RESTRICTED.~~

~~It shall be unlawful to park a vehicle in the park except in those areas designated by the appropriate signs as vehicle parking areas or in marked parking spaces. It shall be unlawful to leave a vehicle standing or parked in the park during hours when the park is closed. It is unlawful to park a vehicle in a parking space or location designated for handicapped parking unless the vehicle properly displays a handicapped parking permit. In all such instances, the vehicle may be towed and impounded from the park at the owner's expense.~~

~~§ 99.15 – PARKING LIMITED TO PARK USERS.~~

~~It shall be unlawful to park in the park if the owner of the vehicle is not utilizing the park. It shall be unlawful for persons to congregate within a parking area of the park so as to disrupt traffic or other persons, or so as to create a safety hazard.~~

~~§ 99.16—COMMERCIAL ACTIVITY RESTRICTED.~~

~~It shall be unlawful to sell or offer for sale any merchandise or operate or attempt to operate a concession or engage in any commercial activity in a park unless approved by a special event permit.~~

~~§ 99.17—HOURS OPEN TO PUBLIC RESTRICTED.~~

~~It shall be unlawful to enter or be within the park outside of the posted hours of operation unless approved by a special event permit.~~

~~Park hours of operation are 6:00 a.m. until 10:00 p.m.~~

~~§ 99.18—GOLFING PROHIBITED.~~

~~It shall be unlawful to practice, play or otherwise participate in the game of golf in the park.~~

~~§ 99.19—VIOLATION OF FACILITY REGULATIONS.~~

~~It shall be unlawful to violate any rules or regulations relating to the use of the park as established by the town.~~

~~§ 99.20—ANIMALS RESTRICTED.~~

~~(a) — It shall be the duty of every animal owner or custodian whose animal is in the park to have physical control of the animal by leash or lead line at all times. It shall be unlawful for any person with an animal, other than service animals (such as guide dogs) as necessary, to access areas of the park which are restricted to animals. It shall be the duty of every animal owner or custodian of any animal whose animal is in the park to immediately and properly dispose of solid waste deposited by the animal.~~

~~(b) — It shall be unlawful to take any animals into the public restrooms. This section shall not apply to service animals.~~

~~(c) — It shall be the duty of every animal owner or custodian of such animal in the park to immediately remove from such park such animal upon such animal exhibiting aggressive behavior toward any person or toward any other domesticated animal. For the purposes of this subsection, aggressive behavior includes, but is not limited to, barking, growling, baring of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domesticated animal.~~

~~§ 99.21—PYROTECHNICS PROHIBITED.~~

~~It shall be unlawful to possess, display, use, set off or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns, sparklers or other pyrotechnics.~~

~~§ 99.22 — ENGINE POWERED MODELS OR TOYS RESTRICTED.~~

~~It shall be unlawful to start, fly or use any fuel powered engine, jet type or electric powered model aircraft, drone, rocket or like powered toy or model unless approved by a special event permit.~~

~~§ 99.23 — PARK AND FACILITY RESTRICTIONS.~~

~~It shall be unlawful for anyone to enter a closed park or locked facility.~~

~~§ 99.24 — USE OR POSSESSION OF CONTROLLED SUBSTANCE.~~

~~No person shall possess or use any drug or any other controlled substance, as defined in the laws of this state, except as permitted by the laws of this state, in the park.~~

~~§ 99.25 — CAMPING.~~

~~It shall be unlawful to camp in the park.~~

~~§ 99.26 — SMOKING PROHIBITED.~~

~~It shall be unlawful to smoke or use tobacco products and e-cigarettes in the park.~~

~~§ 99.27 — HUNTING AND TRAPPING PROHIBITED.~~

~~It shall be unlawful to hunt or trap animals, or attempt to hunt or trap animals, within the park. This section shall not apply to Public Safety Officials if the animal poses a public health and safety threat.~~

~~§ 99.28 — SIGNS RESTRICTED.~~

~~It shall be unlawful to place or display any sign or advertisement in the park. This section does not apply to signs or advertisements regarding any town sponsored or town authorized program or event as designated in a special event permit.~~

~~§ 99.29 — STAKING RESTRICTED.~~

~~It shall be unlawful to drive stakes, posts, poles or any other device into the ground. This section shall not apply to tents, stages or other structures designated in a special event permit.~~

~~§ 99.30 — FISHING AND NETTING PERMITTED.~~

~~Any person who fishes or nets shall follow the regulations and requirements as authorized by state law.~~

~~§ 99.31 — 99.50 — RESERVED.~~

~~ARTICLE III. — PERMITS~~

~~§ 99.51 — GUIDELINES FOR ISSUANCE.~~

~~Permits for special events in the park shall be obtained by application to the town. Guidelines for the issuance of permits by the town include:~~

- ~~(1) — That the proposed activity or use of the park will not unreasonably interfere with or detract from the enjoyment of the park by the public;~~
- ~~(2) — That the proposed activity or use of the park will not unreasonably interfere or detract from the promotion of public health, welfare, safety and recreational use of the park;~~
- ~~(3) — That the proposed activity or use of the park is not reasonably anticipated to incite violence, crime, or disorderly conduct;~~
- ~~(4) — That the proposed activity or use of the park will not entail unusual, extraordinary, or burdensome expenses or policy operation by the town;~~
- ~~(5) — That the proposed activity or use of the park desired has not been reserved for other use;~~
- ~~(6) — That the applicant and participants will abide by all other state, county, town, ordinances, rules and regulations and shall be liable for any loss, damage, or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom the special event permit shall has been issued;~~
- ~~(7) — That the town shall have the authority to revoke any special event permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown; and~~
- ~~(8) — Persons may apply for a permit for a proposed activity or use of the park under the following categories: fund raising, special event, food service for approved activities, education, and park or recreational activities.~~

REPLACED WITH

ARTICLE I. - IN GENERAL

§ 99.01 – DEFINITIONS.

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WEAPON. Firearm, rifle, pistol, revolver, paintball gun, or any weapon designed or intended to propel a shot, bullet, or other missile of any kind, or any device capable of discharging a projectile by air, spirit, gas or explosive, or any explosive substance or harmful solid, liquid and gaseous substance, or any spear, arrow, bow and arrow, slingshot, crossbow, spear or spear gun, or any knife as defined by State law dirk, Bowie knife, switchblade knife, ballistic knife, or any other knife, straight-edged razor, spring stick, metal knuckles, blackjack, any bat, club or other bludgeon-type weapon, or any flailing instrument or any disk which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun, Taser or similar device.

§ 99.02 - ENFORCEMENT OF CHAPTER.

This chapter shall be enforced by any authorized law enforcement officer of the town. Where there has been a violation of any provisions of this chapter, the law enforcement officer in his/her discretion may issue a citation, warning and/or order the person to leave the park.

§ 99.03 - PENALTIES FOR VIOLATION OF CHAPTER.

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(b) The Town reserves the right to deny a special event permit or prohibit park use to any person convicted of or in violation of any provision of any article in Chapter 99.

§ 99.04 - RESERVED.

ARTICLE II. - USE OF RECREATION FACILITIES

§ 99.05 - LITTERING PROHIBITED.

It shall be unlawful to throw or deposit or allow to be deposited any litter on the grounds, parking lot, and pathways in the park, except within public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and shall be properly disposed of elsewhere. It shall be unlawful to take into, carry through, or put into the park receptacles, any litter generated outside the park.

§ 99.06 - DISCHARGING WEAPONS PROHIBITED.

It shall be unlawful to discharge or use any weapon or similar device in the park. This section shall not apply to Public Safety Personnel acting within the scope of their employment; nor shall this section apply to weapons used solely for officially sanctioned ceremonial purposes.

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It shall be unlawful to possess or use glass bottles and containers in the park without a special event permit.

§ 99.08 - IMPROPER USE OF SOUND PRODUCING DEVICES.

It shall be unlawful to operate or use any sound producing or motorized equipment, including but not limited to generators and vehicles, or play or operate any sound amplification devices, including but not limited to radios, television sets, stereos, musical instruments, public address systems and the like, in such a manner as to violate the Town's Noise Ordinance in Chapter 94 of the Town Code.

§ 99.09 - IMPROPER PERSONAL CONDUCT.

It shall be unlawful to engage in any violent, abusive, lewd, profane, vulgar, wanton, obscene or other disorderly conduct that is or may be threatening, dangerous, violent or initiating violence, disturbing to other persons, or that could cause injury to other persons while in the park, which conduct may include, but is not limited to, loitering, fighting, throwing or breaking articles, indecent exposure, inappropriate sexual acts, urinating or defecating in public, or public drunkenness. No person shall willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity or intrude on any areas or into the structures designated for the use of a certain person or persons to the exclusion of others by a special event permit.

§ 99.10 - FIRES OR OPEN FLAMES PROHIBITED.

It shall be unlawful to build or maintain a fire or open flame in the park.

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It shall be unlawful to deface, graffiti, harm or damage any park buildings, wildlife, property, equipment or signs; or dig up, cut, damage or remove any trees, tree limbs, shrubbery, flowers, rocks, mulch, water, historical artifacts or other vegetation in a park or recreation facility. This section shall not apply to the town's activities required to maintain public safety and/or the health of the vegetation.

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It shall be unlawful to sell or offer for sale any merchandise or operate or attempt to operate a concession or engage in any commercial activity in a park unless approved by a special event permit.

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It shall be unlawful to enter or be within the park outside of the posted hours of operation unless approved by a special event permit.

Park hours of operation are 6:00 a.m. until 10:00 p.m.

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It shall be unlawful to practice, play or otherwise participate in the game of golf in the park.

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It shall be unlawful to violate any rules or regulations relating to the use of the park as established by the town.

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- b) It shall be unlawful to take any animals into the public restrooms. This section shall not apply to service animals.
- c) It shall be the duty of every animal owner or custodian of such animal in the park to immediately remove from such park such animal upon such animal exhibiting aggressive

behavior toward any person or toward any other domesticated animal. For the purposes of this subsection, aggressive behavior includes, but is not limited to, barking, growling, baring of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domesticated animal.

§ 99.21 - PYROTECHNICS PROHIBITED.

It shall be unlawful to possess, display, use, set off or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns, sparklers or other pyrotechnics.

§ 99.22 - ENGINE POWERED MODELS OR TOYS RESTRICTED.

It shall be unlawful to start, fly or use any fuel powered engine, jet-type or electric powered model aircraft, drone, rocket or like powered toy or model unless approved by a special event permit. Skateboards, scooters, roller blades and similar toys or similar devices are prohibited.

§ 99.23 - PARK AND FACILITY RESTRICTIONS.

It shall be unlawful for anyone to enter the park when it is closed or any locked facility of the Town.

§ 99.24 - USE OR POSSESSION OF CONTROLLED SUBSTANCE.

No person shall possess or use any drug or any other controlled substance in the park, as defined in the laws of this state, except as permitted by the laws of this state.

§ 99.25 - CAMPING.

It shall be unlawful to camp in the park.

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It shall be unlawful to smoke or use tobacco products and e-cigarettes in the park.

§ 99.27 - HUNTING AND TRAPPING PROHIBITED.

It shall be unlawful to hunt or trap animals, or attempt to hunt or trap animals, within the park. This section shall not apply to Public Safety Officials if the animal poses a public health and safety threat.

§ 99.28 - SIGNS RESTRICTED.

It shall be unlawful to place or display any sign or advertisement in the park. This section does not apply to signs or advertisements regarding any town sponsored or town authorized program or event as designated in a special event permit.

§ 99.29 - STAKING RESTRICTED.

It shall be unlawful to drive stakes, posts, poles or any other device into the ground. This section shall not apply to tents, stages or other structures designated in a special event permit.

§ 99.30 - FISHING AND NETTING PERMITTED.

Any person who fishes or nets shall follow the regulations and requirements as authorized by state law.

§ 99.31—99.50 - RESERVED.

ARTICLE III. - PERMITS

§ 99.51 - GUIDELINES FOR ISSUANCE.

Permits for special events in the park shall be obtained by application to the town. Guidelines for the issuance of permits by the town include:

- (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the enjoyment of the park by the public;
- (2) That the proposed activity or use of the park will not unreasonably interfere or detract from the promotion of public health, welfare, safety and recreational use of the park;
- (3) That the proposed activity or use of the park is not reasonably anticipated to incite violence, crime, or disorderly conduct;
- (4) That the proposed activity or use of the park will not entail unusual, extraordinary, or burdensome expenses or policy operation by the town;
- (5) That the proposed activity or use of the park desired has not been reserved for other use;
- (6) That the applicant and participants will abide by all other state, county, town, ordinances, rules and regulations and shall be liable for any loss, damage, or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom the special event permit shall has been issued;
- (7) That the town shall have the authority to revoke any special event permit upon the finding of a violation of any laws, ordinances, rules or regulations, or any concern for the public's health, safety and/or welfare, all as determined at the sole discretion of the Town; and
- (8) Persons may apply for a permit for a proposed activity or use of the park under the following categories: fund-raising, special event, food service for approved activities, education, and park or recreational activities.

Adopted this _____ day of _____, _____

TOWN OF SUNSET BEACH

Mayor

ATTEST:

Town Clerk